IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE EIGHTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO : 14466 of 2005

Between:

National Academy of Agricultural Research Management represented by its Director Dr.S.P.Tiwari
S/o.Sh.B.P.Tiwari, NAARM Campus, Rajendranagar, Hyderabad.

..... PETITIONER

AND

1 The Commissioner, Employees provident Fund Organization Barkatpura, Hyderabad.
2 The Asst. P.F.Commissioner (ENF) office of the Regional Provident Fund Commissioner, A.P.Barkatpura, Hyderabad.
3 The Appellate Authority, Employees Provident Fund, New Delhi.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ of Mandamus or any other appropriate writ, declaring the proceedings No.AP/22433/ENFI/Z-IV/03/2005/213 dt.19.5.2005 as illegal, arbitrary, without jurisdiction, without authority of law and unconstitutional and consequently direct the respondents not to proceed further in the matter.

Counsel for the Petitioner:MR.A.RAJASHEKAR REDDY (ASST SOLICITOR GEN)

Counsel for the Respondents.: MR.R.N.REDDY (SC for EPF)

The Court made the following :

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ORDER:

1. Heard Sri A. Rajasekhar Reddy, learned Assistant Solicitor General appearing for the petitioner and Sri R.N.Reddy learned Standing Counsel for Respondents 1 and 2 and with their consent the writ petition is being disposed of at the stage of admission.

2. The grievance of the petitioner, a Government of India undertaking, is that respondents No. 1 and 2 are forcing it to file returns on the enhanced amount of Provident Fund dues, forcibly recovered by the respondents by attaching the petitioner's Bank Account. Sri A. Rajashekar Reddy, learned Assistant Solicitor General, appearing for the petitioner vehemently contends that while amount was recovered by the respondents by attaching the Bank Account, the respondents cannot force the petitioner to file returns indicating a higher amount than what is actually being paid to the employees concerned.

3. An additional affidavit is filed by the petitioner herein contending that though they had filed an appeal in ATA 66(1) 2002, the respondents had filed counter affidavit in the said matter on 27-2-2004 and the petitioner had filed its reply on 12-4-2004, the appeal could not be taken up by the third respondent. It is further stated that despite the petitioner pursuing the appeal before the 3rd respondent, neither has any interim order been passed, pending appeal, nor has the appeal been heard, till date.

4. Sri R.N. Reddy learned counsel appearing for Respondents No. 1 and 2 contends that the 3rd respondent appellate authority is functioning regularly, ever since December, 2004 and the grievance of the petitioner in this regard is misconceived.

5. In the peculiar facts of this case, taking note of the fact that the petitioner is a Government of India undertaking, that the amounts demanded by respondents No.1 and 2 have already been recovered against which the petitioner has already preferred an appeal to the 3rd respondent and that the dispute in this writ petition relates only to non-filing of returns for the enhanced amount recovered from the petitioner by Respondents No. 1 and 2, I considered it appropriate to direct the 3rd respondent to pass orders either on the interim application filed by the petitioner in

ATA 66(1) 2002 or dispose of the appeal itself, as expeditiously as possible, preferably within three months from the date of receipt of a copy of this order.

6. Pending orders being passed by the 3rd respondent either in the interim application or in the appeal filed by the petitioner herein and since the amount demanded by respondents NO. 1 and 2 has already been recovered from the petitioner and the dispute in this writ petition relates only to non-filing of returns, respondents No. 1 and 2 are directed not to insist on the petitioner filing the said returns for a period of four months from today.

7. The writ petition is accordingly disposed of. No order as to costs.

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Ramesh Ranganathan,J

19th July,2005,

Note: C.C. in three days

B/o KM ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Commissioner, Employees provident Fund Organization Barkatpura, Hyderabad.
2 The Asst. P.F.Commissioner (ENF) office of the Regional Provident Fund Commissioner, A.P.Barkatpura, Hyderabad.
3 The Appellate Authority, Employees Provident Fund, New Delhi.

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THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

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WRIT PETITION NO : 14466 of 2005

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18th July, 2005